

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FERNANDO NEVAREZ-CARREON,

Defendant.

8:14CR324

ORDER

This matter is before the Court on Defendant Fernando Nevarez-Carreon's ("Nevarez-Carreon") Notice of Appeal ([Filing No. 141](#)) and the Clerk of Court's memorandum addressing Nevarez-Carreon's ability to proceed on appeal in forma pauperis ([Filing No. 142](#)).

"A litigant seeking to appeal a judgment must either pay the required filing fees . . . or proceed in forma pauperis . . ." *Swift v. Williams*, No. 8:17CV331, [2017 WL 6812606](#), at *1 (D. Neb. Dec. 13, 2017) (citing [28 U.S.C. § 1915](#); [Fed. R. App. P. 3](#), [24](#)). Nevarez-Carreon seeks to appeal from the Court's Memorandum and Order ([Filing No. 138](#)) denying Nevarez-Carreon's motion to reduce sentence under [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#) as amended by Section 603 of the First Step Act, and the Memorandum and Order ([Filing No. 140](#)) denying his Motion to Reconsider.

The Court denied Nevarez-Carreon's Motions for the same reasons it denied his previous motions for compassionate release (*see* [Filing No. 138](#)). The Court also previously denied in forma pauperis status based on the same arguments that Nevarez-Carreon makes in the motions he is now appealing (*see* [Filing No. 124](#)). Additionally, Nevarez-Carreon was represented by retained counsel during his criminal proceedings, but he has not submitted documentation of his in forma pauperis status, as required by [Federal](#)

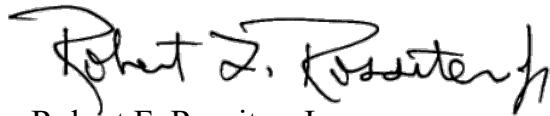
Rule of Appellate Procedure 24(a)(1). Accordingly, the Court adopts its previous reasoning and will not permit Nevarez-Carreon to proceed in forma pauperis.

IT IS ORDERED:

1. Nevarez-Carreon is denied leave to proceed in forma pauperis on appeal;
2. The Clerk of Court is directed to mail a copy of this Order to the Nevarez-Carreon at his last known address; and
3. The Clerk of Court is directed to provide a copy of this Order to the United States Court of Appeals for the Eighth Circuit.

Dated this 19th day of April 2021.

BY THE COURT:



Robert F. Rossiter, Jr.
United States District Judge